

### REMARKS

A check for the fees for a five month extension of time. Any fees that may be due in connection with the filing of this paper or with this application may be charged to Deposit Account No. 06-1050. If a Petition for Extension of time is needed, this paper is to be considered such Petition.

As set forth in the above listing of claims, claims 1-3, 5, 6, 8, 10-35, 37-42, 44, 46, 47, 69-89 are pending in this application. The Action incorrectly identifies the pending claims as claims 1-8, 10-21, 23-39, 41, 42, 44, 46, 69-88, rather than 1-3, 5-35, 37-42, 44, 46 and 69-88, which are pending. Claims 1-73 were originally filed; claim 36 was cancelled in the Preliminary Amendment, mailed December 8, 2000; claims 47-68 were cancelled in the Election and Preliminary Amendment, mailed November 21, 2001; claims 7, 9, 40, 43 and 45 were cancelled in the Amendment, mailed March 26, 2004; claim 4 was cancelled and claims 74-88 were added in the previous response; and claim 89, which is the same as claim 7, which inadvertently was amended as though pending in the previous response is added herein. Accordingly, claims 1-3, 5, 6, 8, 10-35, 37-42, 44, 46, 47, 69-89 are pending.

Claims 1, 8, 22, 25 and 32 are amended to effect minor changes in the language. Claim 89, which as noted, is the same as amended claim 7, which was inadvertently listed as pending in the previous response. Therefore, no new matter is added.

The claims as pending are directed to fusion proteins that act as ligand activated transcriptional regulators. The fusion proteins contain a polydactyl zinc-finger that contains at least three modular portions and a modified ligand binding domain from an intracellular receptor. The claims also are directed to encoding nucleic acid molecules, vectors and combinations that contain either the fusion protein or the nucleic acid molecule.

As discussed at length in the previous response, there is no art of record that teaches or suggests a fusion protein that is a transcriptional activator that contains at least three zinc fingers and a modified ligand binding domain. Therefore, the application should be in condition for allowance.

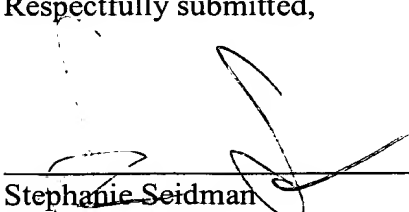
\* \* \*

Applicant : Carlos F. Barbas III, et al.  
Serial No. : 09/586,625  
Election and Preliminary Amendment

Attorney's Docket No.: 17083-003002/1227B

In view of the above, examination of the application on the merits and allowance are respectfully requested.

Respectfully submitted,



---

Stephanie L. Seidman  
Reg. No. 33,779

Attorney Docket No. 17083-003002/1227B  
**Address all correspondence to:**  
Stephanie L. Seidman  
Fish & Richardson P.C.  
12390 El Camino Real  
San Diego, California 92130  
Telephone: (858) 678-4777  
Facsimile: (202) 626-7796  
email: seidman@fr.com